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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MISCELLANEOUS FIREARMS,)
SILENCERS AND AMMUNITION,)
)
Defendant.)

No. C 03-1920 JW

STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING STAY AND VACATING CASE
MANAGEMENT CONFERENCE

Plaintiff, United States of America, and Prospective Claimant Kevin Dugan, through undersigned counsel, hereby apply to the Court for a further order extending the stay of this matter and vacating the case management conference currently scheduled for March 5, 2007. In this in rem civil action, plaintiff seeks to forfeit certain firearms, silencers and ammunition alleged to have been illegally possessed by Kevin Dugan. As reported in the last request for an extension staying this action, Dugan is a prospective claimant in this action,¹ which is based, in large part, on the allegations at issue in the pending criminal action (United States v. Kevin Dugan, CR 03-20010 JW) . The Court has previously entered orders staying this matter pending resolution of the ongoing criminal proceeding. Trial in the criminal case is scheduled on March 5, 2007. The factual predicate for entry of the stay has not changed. Accordingly, the parties

¹Dugan has not yet filed a claim or Answer in the civil forfeiture action, but has advised the government and the Court that he intends to so.

1 hereby request that the Court extend the stay in this matter and continue the case management
2 conference until Monday, June 4, 2007, or a date convenient for the Court.

3 Dated: 03/01/07

Respectfully submitted,

4 SCOTT N. SCHOOLS
5 United States Attorney

6 /S/
7 STEPHANIE M. HINDS
8 Assistant United States Attorney

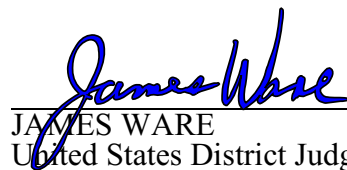
9 Dated: 03/01/07

10 /S/
11 DANIEL HALPERN
12 Attorney for Prospective Claimant Kevin Dugan

13 ~~PROPOSED~~ ORDER

14 IT IS SO ORDERED. The captioned civil forfeiture case shall be stayed pursuant to 18
15 U.S.C. § 981(g)(1) and (2) until the conclusion of the related district court criminal case, CR 03-
16 20010 JW. The case management conference currently scheduled for March 5, 2007 is vacated.
17 The matter is continued for further status until Monday, June 4, 2007, or a date convenient for
18 the Court.

19
20 Dated: 3/2/2007

21 
22 JAMES WARE
23 United States District Judge
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of **Stipulation and [Proposed] Order Extending Stay and Vacating Case Management Conference** to be served this date via first class mail delivery upon the person below at the place and address which is the last known address:

Daniel Halpern, Esq.
Halpern & Halpern
111 N. Market Street, Suite #1010
San Jose, CA 95113

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed this 1st day of March, 2007, at San Francisco, California.

/S/
CAROLYN JUSAY
Legal Assistant
Asset Forfeiture Unit